REMARKS

The Applicants respectfully request reconsideration and allowance of claims 24-34 and 71-103 in view of the above amendments and the following arguments.

I. THE APPLICANTS OBJECT TO THE FORM OF THE OFFICE ACTION

The Office Action sets out four new Section 103 rejections as to all of claims 24-34 and 71-103 in view of each of U.S. patent No. 5,286,023 to Wood, U.S. patent No. 5,282,620 to Keesee, U.S. patent No. 6,402,150 to Jones, and U.S. patent No. 6,017,032 to Grippo. In each Section 103 rejection under each of these four patents, the Office Action indicates that the "rejection as stated in Office Action, Paper no. 01192005 is retained and incorporated herein." However, each of the statements referring to Paper No. 01192005 are included under an obviousness rejection, yet there were no obviousness rejections in Paper No. 01192005 of the present case. Furthermore, Paper No. 01192005 did not address claims 93-103, which were added in the response filed July 13, 2005, and thus it is difficult to see how those rejections apply to claims 93-103. For all of these reasons it is unclear whether the rejections intended with the references to Paper No. 01192005 are anticipation rejections or obviousness rejections, what the specific basis of each rejection is, and to which claims the intended rejections apply. The Applicants therefore respectfully request that the Examiner clarify the rejections intended by the references to Paper No. 01192005.

II. THE CLAIM AMENDMENTS

Each of the independent method claims in the case is amended above to require the step of "displaying a number of rotating elements which come to rest showing a combination of symbols representing a gaming result." Each of the independent gaming system claims in the case is amended above to require that "the gaming machine displays a number of rotating elements which come to rest showing a combination of symbols representing a gaming result." These limitations regarding displaying rotating elements are set out in the present application at page 3, lines 3-21 in connection with mechanical reels and at page 7, lines 14-25 in connection with video reels. Because these limitations are supported by the original disclosure, the limitations do not introduce new matter into the present application.

The purpose of these amendments regarding the display of results is to limit the claims of the present case to reel-type gaming machines such as those described in the present application in connection with Figures 1 and 6.

Claims 27 and 73 are amended above to remove an internal conflict in those claims.

Claims 71, 74, 76, and 77-81 are each amended above to properly refer to "the winning progressive jackpot result" in the second occurrence of the item in each respective claim.

It is also noted that the above amendments change the claims to refer simply to "gaming result" rather than "random gaming result" as previously set out in the claims.

Claims 24-34 and 71-103 remain pending in the case.

III. THE CLAIMS ARE NOT OBVIOUS OVER THE CITED REFERENCES

The Office Action rejected claims 24-34 and 71-103 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,286,023 to Wood (the "Wood patent" or "Wood"), over U.S. Patent No. 5,282,620 to Keesee (the "Keesee patent" or "Keesee"), over U.S. Patent No. 6,402,150 to Jones (the "Jones patent" or "Jones") and over U.S. Patent No. 6,017,032 to Grippo et al. (the "Grippo patent" or "Grippo"). The Applicants believe that the claims as amended above are not obvious in view of any of these references.

The Applicants note that the basis for rejecting all of the claims in the case under Section 103 for each reference is unclear because each rejection addresses only claims requiring a certain relationship between the number of paylines activated by the first wager amount and the number of paylines activated by the second wager amount. In any event, the Applicants believe that the claims are neither anticipated by nor rendered obvious by Wood, Keesee, Jones, and Grippo on the ground that these references do not teach or suggest each element required by the present claims.

Claims 24-34, 71-81, 83-92, and 94-103

Claim 24 as amended requires the following limitations relating to the steps of paying to two progressive jackpots.

> paying the first progressive jackpot **if the gaming result is a winning progressive jackpot result** and if the wager is at least a first wager amount;
> paying the second progressive jackpot **if the gaming result is *the* winning progressive jackpot result** and if the wager is at least a second wager amount, the second wager amount being larger than the first wager amount (Emphasis Added).

It is apparent from these limitations that the same winning progressive jackpot result is required as a condition for paying the first progressive jackpot and the second progressive jackpot. In contrast to this requirement of Applicants' claim 24, Wood at col. 4, lines 38-47, discloses that two different winning progressive results are used to distinguish between plays that pay the large jackpot and plays that pay the small jackpot. Specifically, Wood discloses that the large jackpot is won when the sixth ball in the lottery game is a seven and is the color red, and further discloses that the small jackpot is won when the sixth ball is a seven and is not red.

Because Wood does not teach or suggest the commonality required in Applicants' claim for the winning progressive jackpot result, Wood cannot anticipate claim 24 and cannot render claim 24 obvious.

The Keesee, Jones, and Grippo patents also fail to teach or suggest the required relationship between the conditions for paying the two progressive jackpots. The disclosure portion of the Keesee patent is essentially silent as to how the criteria for winning the progressive jackpots relate to each other. However, claim 11 of Keesee discloses that the sixth ball includes a numerical value and a color used to determine when the first or second progressive jackpot is paid. This disclosure indicates that two different winning results are used to distinguish between paying the first progressive jackpot or second progressive jackpot. Nothing in Keesee suggests that the conditions for paying two different progressive jackpots include a single winning progressive jackpot result. Both the Grippo and Jones patents specifically disclose that the conditions for awarding two progressive prizes include two different results. Specifically, Grippo at col. 6, lines 51-67 indicates that the results for the two bettor pools are separately and independently determined. Jones at col. 2, lines 56-67 discloses that two different results are

used in the game, one result after an initial deal of cards and a second result after draw cards are dealt.

The limitation described above as to the commonality for the winning progressive jackpot result for both first and second jackpots is also included in every independent claim in the present application except claims 82 and 93. Thus, the above arguments regarding claim 24 apply with equal force to claims 25-34, 71-81, 83-92, and 94-103.

Claims 82 and 93

Claims 82 and 93 both require paying the largest of either the first progressive jackpot or the second progressive jackpot if the gaming result is a winning progressive jackpot result. The Applicants maintain that the Wood patent does not disclose or suggest this feature. The Office Action at page 7, paragraph 15 cites Wood at col. 4, lines 43-45 as disclosing the feature of paying the largest of either the first progressive jackpot or the second progressive jackpot if the gaming result is a winning progressive jackpot result. The entire paragraph of Wood which includes the cited section reads as follows:

> Referring again to FIG. 11, next the sixth ball is compared with a seven at a decision block 1102. If not a seven, then the sequential operations end following entry point B1. **When the sixth ball is a seven, then the color of the sixth ball is compared to red at a decision block 1104. If red, then the large jackpot is returned true at a block 1106 and the sequential operations end following entry point B1. If not red, then the small jackpot is returned true at a block 1108 and the sequential operations end following entry point B1.** (Emphasis Added)

It is apparent from this disclosure in Wood that the largest of the two jackpots is not paid when the gaming result is a winning jackpot result. Rather, the winning jackpot result in this disclosure from Wood is where the sixth ball is a seven. This winning jackpot result entitles the

player to one of the jackpots. Which jackpot is dependent upon whether the sixth ball is a particular color. The larger jackpot is paid when the sixth ball is red and the smaller jackpot is paid when the sixth ball is not red. Even if one were to define a "progressive winning jackpot result" as one of the two conditions in Wood (that is, sixth ball is a seven and is red or sixth ball is a seven and is not red) neither of these results pays the largest of the two progressive prizes. That is, the teaching in Wood of paying a larger jackpot in response to a given game result is not the same as the requirement in claims 82 and 93 of paying the largest of two available jackpots in response to a given game result.

Because the Wood patent does not teach or suggest the limitation of paying the largest of either the first progressive jackpot or the second progressive jackpot if the gaming result is a winning progressive jackpot result, the Applicants respectfully submit that claims 82 and 93 are also not anticipated by Wood and not rendered obvious in view of Wood.

None of the other references cited in the Office Action make up for this deficiency of Wood with respect to the requirement of paying the largest of two progressive jackpots for a single winning gaming result. Claims 82 and 93 are therefore entitled to allowance along with their respective dependent claims, claims 83-92 and 94-103.

For all of the above reasons, the Applicants respectfully submit that all of the claims in the present case are novel and nonobvious over the references cited and are entitled to allowance.

Other Distinguishing Claim Limitations

Although the above discussion focuses on the limitation regarding commonality of the winning progressive jackpot result between the two jackpots in most of the claims and the limitation as to paying the largest of the two jackpots in claims 82 and 93, the Applicants note

that the claims include additional limitations that are not taught or suggested by Wood and the other cited art.

Each of the independent claims in the case is amended above to require displaying a number of rotating elements which come to rest showing a combination of symbols representing a gaming result. None of the cited references, Wood, Keesee, Jones, and Grippo, teach or suggest a reel-type game. The present claims are novel and nonobvious over these references for this reason alone.

As another example of a limitation in the claims not shown in the cited art, claim 26 requires:

> paying the first progressive jackpot and the second progressive jackpot **if the gaming result is the winning progressive jackpot result** and if the wager is at least the second wager amount. (Emphasis Added)

The Applicants note that this limitation requires both jackpots to be paid for a single gaming result, that is, "the winning progressive jackpot result." The Office Action addresses claim 26 at page 6, paragraph 9. The Office Action cites the Jones patent as disclosing the possibility of side pots or side progressive jackpots in which the player participates based on wager amount and where the player wins all jackpots if the player wins the entire hand. However, the Jones patent only discloses multiple jackpots in the context of a game in which one result is represented by an initial deal of cards and a second result is represented by cards retained from the initial deal plus certain draw cards (Jones at col. 2, lines 54-64, for example). Jones also discloses various techniques for preventing the second jackpot from being paid for the initial deal result (Jones at col. 4, lines 47-63). The Applicants are unable to locate any teaching or suggestion in Jones that both progressive prizes disclosed in Jones could ever be awarded for a single result.

Because the Jones patent fails to teach or suggest the limitation of paying both progressive jackpot prizes for a single winning progressive jackpot result as required in claim 26, the Applicants submit that claim 26 is neither anticipated by nor rendered obvious by the Jones patent. Claim 73 includes a limitation similar to that discussed above with reference to claim 26. Thus, claim 73 is also novel and nonobvious over Jones and is entitled to allowance.

None of the other references cited in the Office Action make up for this deficiency of Jones with respect to the requirement of paying both of two progressive jackpots for a single winning gaming result.

The Section 103 rejection set out at paragraphs 2-4 of the Office Action appear to include the same rationale for each prior art reference. In each case the Office Action concedes that the cited reference (Wood, Keesee, Jones, and Grippo) does not explicitly disclose the requirements of the claims relating to the paylines that are activated by the wagers. Although not stated in the Office Action, these rejections appear to address claims 31-34, 78-81, 89-92, and 100-103. The Office Action indicates that because it is well known to provide different payline options in a gaming machine, it would have been obvious to include the various payline activation options in the device of Wood, Keesee, Jones, and Grippo. The Applicants respectfully submit that these rejections are in error for two reasons. Fundamentally, the games shown in Wood, Keesee, Jones, and Grippo do not use paylines. It would not have been obvious to somehow add paylines to the various nonpayline games disclosed in these references. Furthermore, the fact that prior art shows giving players in certain games various payline selection options does not teach or suggest the specific payline arrangements required in the Applicants' claims. In particular, the broad concept of providing payline selection options in a game does not teach or suggest that a number

of paylines activated by the second wager amount is identical to a number of paylines activated by the first wager amount as required by claims 33, 80, 91, and 102.

For all of these reasons, the Applicants respectfully submit that claims 31-34, 78-81, 89-92, and 100-103 are allowable both through dependence on an allowable base claim and in view of the limitations that they directly add.

CONCLUSION

For all of the above reasons, the Applicants respectfully request reconsideration and allowance of claims 24-34 and 71-103.

If any issue remains as to the allowability of these claims, or if a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney prior to issuing a further action in this case.

Respectfully submitted,

The Culbertson Group, P.C.

Dated: 4 Apr. 2007

By: _____

Russell D. Culbertson, Reg. No. 32,124
1114 Lost Creek Boulevard, Suite 420
Austin, Texas 78746
512-327-8932
ATTORNEY FOR APPLICANTS

1112_Response_061102OA.wpd